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HOUSE BILL 332

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Miguel P. Garcia

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO TAXATION; PROVIDING PROVISIONS FOR A LAND GRANT-  
MERCED BOARD OF TRUSTEES TO PURCHASE FORMER GRANT LANDS SOLD AT  
DELINQUENT TAX AUCTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973,  
Chapter 258, Section 107, as amended by Laws 2001, Chapter 253,  
Section 3 and by Laws 2001, Chapter 254, Section 3) is amended  
to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS.--

A. Real property [~~may~~] shall not be sold for  
delinquent taxes before the expiration of three years from the  
first date shown on the tax delinquency list on which the taxes  
on the real property became delinquent.

B. Notice of the sale shall be published in a local

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1 newspaper within the county where the real property is located  
2 or, if there is no local county or municipal newspaper, then a  
3 newspaper published in a county contiguous to or near the  
4 county in which the real property is located, at least once a  
5 week for the three weeks immediately preceding the week of the  
6 sale. For more generalized notice, the department may choose  
7 to publish notice of the sale also in a newspaper not published  
8 within the county and of more general circulation. The notice  
9 shall state the time and place of the sale and shall include a  
10 description of the real property sufficient to permit its  
11 identification and location by potential purchasers.

12 C. Real property shall be sold at public auction  
13 either by the department or an auctioneer hired by the  
14 department. The auction shall be held in the county where the  
15 real property is located at a time and place designated by the  
16 department.

17 D. If the real property can be divided so as to  
18 enable the department to sell only part of it and pay all  
19 delinquent taxes, penalties, interest and costs, the department  
20 may, with the consent of the owner, sell only a part of the  
21 real property.

22 E. Before the sale, the department shall determine  
23 a minimum sale price for the real property. In determining the  
24 minimum price, the department shall consider the value of the  
25 property owner's interest in the real property, the amount of

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1 all delinquent taxes, penalties and interest for which it is  
2 being sold and the costs. The minimum price shall not be less  
3 than the total of all delinquent taxes, penalties, interest and  
4 costs. Real property [~~may~~] shall not be sold for less than the  
5 minimum price unless no offer met the minimum price when it was  
6 offered at an earlier public auction or the property is sold in  
7 accordance with the provisions of Subsection H of this section.

8 A sale properly made under the authority of and in accordance  
9 with the requirements of this section constitutes full payment  
10 of all delinquent taxes, penalties and interest that are a lien  
11 against the property at the time of sale, and the sale  
12 extinguishes the lien.

13 F. Payment shall be made in full by the close of  
14 the public auction before an offer may be deemed accepted by  
15 the department.

16 G. Real property not offered for sale may be  
17 offered for sale at a later sale, but the requirements of this  
18 section and Section 7-38-66 NMSA 1978 shall be met in  
19 connection with each sale.

20 H. A bid made at a public auction by the board of  
21 trustees of a community land grant-merced governed pursuant to  
22 the provisions of Chapter 49, Article 1 NMSA 1978 or by  
23 statutes specific to the named land grant-merced shall be  
24 considered the highest bid at that public auction and shall  
25 entitle the board of trustees to purchase the property for the

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amount bid if:

(1) the property is vacant land and is situated within the boundaries of that land grant-merced as shown in the United States patent to the grant;

(2) the bid covers all past taxes, penalties, interest and costs due on the property; and

(3) the land becomes part of the common lands of the land grant-merced."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2005.